

Hearing Date: August 8, 2023 at 11:00 a.m. (ET)  
Objection Deadline: August 1, 2023 by 4:00 p.m. (ET)

Christopher Harris  
Adam J. Goldberg  
Brett M. Neve  
Nacif Taousse  
Brian S. Rosen  
**LATHAM & WATKINS LLP**  
1271 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864  
Email: christopher.harris@lw.com  
adam.goldberg@lw.com  
brett.neve@lw.com  
nacif.taousse@lw.com  
brian.rosen@lw.com

Nima H. Mohebbi (admitted *pro hac vice*)  
Tiffany M. Ikeda (admitted *pro hac vice*)  
Emily R. Orman (admitted *pro hac vice*)  
**LATHAM & WATKINS LLP**  
355 South Grand Avenue, Suite 100  
Los Angeles, CA 90071  
Telephone: (213) 485-1234  
Facsimile: (213) 891-8763  
Email: nima.mohebbi@lw.com  
tiffany.ikeda@lw.com  
emily.orman@lw.com

*Counsel to the Foreign Representatives  
of Three Arrows Capital, Ltd.*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:  
Three Arrows Capital, Ltd.,  
Debtor in a Foreign Proceeding

Chapter 15  
Case No. 22-10920 (MG)

**DECLARATION OF ALEX M. ENGLANDER IN SUPPORT OF FOREIGN  
REPRESENTATIVES OF THREE ARROWS CAPITAL, LTD.'S MOTION FOR AN  
ORDER (I) HOLDING KYLE LIVINGSTONE DAVIES TO BE IN CIVIL CONTEMPT  
FOR FAILURE TO COMPLY WITH MARCH 30, 2023 COURT ORDER; AND (II)  
GRANTING SANCTIONS AGAINST KYLE LIVINGSTONE DAVIES**

I, Alex M. Englander, pursuant to 28 U.S.C. Section 1746, hereby declare under penalty of perjury under the laws of the United States of America, as follows:

1. I am an attorney duly licensed to practice law in the State of Florida. I am an Associate at Holland & Knight LLP and counsel for Russell Crumpler and Christopher Farmer, in their joint capacities as the duly authorized foreign representatives (the "Foreign Representatives") of Three Arrows Capital, Ltd. ("Three Arrows" or the "Debtor") in the above-captioned matter.

2. I submit this declaration in support of the *Foreign Representatives of Three Arrows Capital, Ltd.'s Motion for an Order (I) Holding Kyle Livingstone Davies to be in Civil Contempt for Failure to Comply with March 30, 2023 Court Order; and (II) Granting Sanctions Against Kyle Livingstone Davies* filed contemporaneously herewith (the “Motion”).<sup>1</sup>

3. Except as otherwise indicated, the facts set forth in this declaration are based upon my personal knowledge, my review of relevant documents, or my opinion based upon experience, knowledge, and information concerning the Debtor. I am authorized to submit this declaration on behalf of the Debtor, and if called upon to testify, I could and would testify competently to the facts set forth herein.

4. On July 12, 2022, this Court entered an Order Granting Provision Relief authorizing issuance of subpoenas to persons or entities the Foreign Representatives reasonably determined “may have information relevant to the Debtor, its affairs, or its assets.” [Dkt. 32.]

5. It is my understanding that in the United States, the Foreign Representatives have served 45 subpoenas on parties who previously interacted with the Founders before Three Arrows’s collapse and/or otherwise possess relevant information.

6. On December 6, 2022, the Court entered an Order authorizing the Foreign Representatives to serve subpoenas for the production of documents and testimony on the Debtor’s founders (the “Founders”), Kyle Livingstone Davies (“Mr. Davies”) and Su Zhu (“Mr. Zhu,” and together with Mr. Davies, the “Founders”). [Dkt. 71 ¶ 3.]

7. On December 29, 2022, the Court entered a further Order authorizing alternative service of a subpoena on Mr. Davies by email and Twitter (the “Service Order”). [Dkt. 79.]

---

<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

8. I understand that counsel for the Foreign Representatives issued a subpoena for the production of documents to Mr. Davies dated January 4, 2023 (the “Subpoena”), which is attached to the contemporaneously filed Declaration of Nima H. Mohebbi (“Mohebbi Declaration”) as Exhibit A.

9. On January 5, 2023, I served the Subpoena on Mr. Davies by email in accordance with the Service Order.

10. Attached hereto as Exhibit A is a true and correct redacted copy of my January 5, 2023 email to Mr. Davies, attaching the Subpoena.

11. I understand that the Foreign Representatives served the Subpoena on Mr. Davies by Twitter on January 5, 2023, in accordance with the Service Order, as set forth in the contemporaneously filed Declaration of Russel Crumpler (“Crumpler Declaration”).

12. On February 2, 2023, I sent an email to Mr. Davies and his counsel at Advocatus seeking to meet and confer in accordance with this Court’s Chambers Rules and Local Bankruptcy Rule 7007-1 and requesting that Mr. Davies respond by February 6, 2023.

13. Attached hereto as Exhibit B is a true and correct redacted copy of the February 2, 2023 email I sent to Mr. Davies.

14. On June 7, 2023, I sent another email to Mr. Davies and his counsel at Advocatus seeking to meet and confer in accordance with Rule 7007-1 and requesting that Mr. Davies respond by June 12, 2023.

15. Attached hereto as Exhibit C is a true and correct redacted copy of the June 7, 2023 email I sent to Mr. Davies.

16. The domain name www.threearrowscap.com and associated email addresses are no longer active.

17. To date, to my knowledge, Mr. Davies has not replied to my January 5, February 2, or June 7, 2023 emails or otherwise responded to my requests to meet and confer.

18. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: June 14, 2023

/s/ Alex M. Englander

Alex M. Englander  
Holland & Knight LLP  
777 South Flagler Drive  
Suite 1900 – West Tower  
West Palm Beach, FL 33401